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TOMAR & KAMENSKY
194 South Broad Street
Trenton, New Jersey 08608
(609 394-8585
ATTORNEY FOR DEFENDANT

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
OAL DOCKET NO. BDS 3521-86 &
BDS 05592-87
AGENCY DOCKET NO. D-83-10-89(85)
& D-004-87

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE OF)
ANTHONY V. AMMIRATA, D.D.S.)
TO PRACTICE DENTISTRY IN THE)
STATE OF NEW JERSEY)

ADMINISTRATIVE ACTION
CONSENT ORDER

This matter having been opened to the New Jersey State Board of Dentistry by way of Administrative Complaints filed April 26, 1985 and June 9, 1987 by W. Cary Edwards, Attorney General of New Jersey, by Maxine H. Neuhauser and Alice J. Guttler, respectively, Deputy Attorneys General, alleging multiple counts of gross or simple malpractice as well as fraud and professional misconduct in the handling of certain insurance

claims; and it appearing that the parties wish to amicably resolve this matter; and the Board having reviewed the terms of this Order and determined that good cause exists for its entry,

IT IS, THEREFORE, on this 4th day of April May, ⁽²⁷⁾
1988,

ORDERED AND AGREED that:

1. For a period of five (5) years commencing from the entry of this Consent Order, Dr. Ammirata shall comply with the following conditions of licensure:

(a) Dr. Ammirata (hereinafter referred to alternatively as "Dentist") shall successfully complete not less than 450 hours of continuing dental education subject to modification by the Board, in the event that 450 hours of education are not available, in such areas of dental practice as may be determined by the Board, each year at the rate of at least two days per week and not less than a minimum average of ten hours per week. He shall not be credited for any courses taken pursuant to this Consent Order unless, prior to his enrollment, he has submitted an adequate course description to the Board and has received written approval from the Board of such course(s) which approval will be timely and not unreasonably delayed or withheld. It shall be Dr. Ammirata's responsibility to submit adequate course descriptions or other necessary information to the Board at least thirty (30) days in advance of the course enrollment period for the Board to evaluate the acceptability

of such courses. The literature provided by the educational institution describing the courses to the intended participants will be considered sufficient for these purposes. Documentation of Dr. Ammirata's satisfactory attendance at and completion of such courses shall be obtained by the dentist, and forwarded to the Board at the end of each month within which the course was completed. All costs of such course work shall be borne entirely by Dr. Ammirata.

(b) Dr. Ammirata may continue to practice dentistry provided that such practice does not interfere with the requirements of paragraph 1(a), above.

(c) Dr. Ammirata's practice of dentistry shall be monitored by a New Jersey licensed dentist, with experience in the area of temporo-mandibular joint (TMJ) or myofacial pain dysfunction (MPD) syndromes, approved by the Board. Dr. Ammirata shall permit said monitor to make random unannounced visits to his dental office, as the monitor deems necessary, but not less than one day per week, to review patient treatment plans and records and to see any patients, as the monitor deems necessary, to assure that each treatment plan is appropriate and is being carried out in accordance with acceptable standards of dental practice. Dr. Ammirata can not unreasonably refuse to permit said visit on days that his office is opened for business. Every effort will be made to respect the peace, tranquility

and normal operation of Dr. Ammirata's office when the monitor makes said visits. In the discretion of the monitor, any TMJ or MPD treatment plan may be submitted to a member of the faculty of the TMJ Clinic of the New Jersey Dental School or any other institution approved by the Board for review and an opinion as to the propriety of such treatment plan. Dr. Ammirata shall fully cooperate with said monitor in carrying out the requirements of this Consent Order, and will take recommended corrective action in the event that deficiencies or errors in his practice are found by the monitor. Said monitor shall forward quarterly reports to the Board concerning Dr. Ammirata's cooperation and dental practice. All ^{REASONABLE} costs of such monitoring, including, but not necessarily limited to monitor's fees and reasonable travel expenses as well as any of the aforementioned submissions of TMJ or MPD treatment plans for review, shall be borne entirely by Dr. Ammirata.

(d) Dentist shall permit the monitor, designated in accordance with paragraph 1(c), above, to periodically review any or all of Dr. Ammirata's patient and practice records, including, but not necessarily limited to, submissions to patients' insurance carriers. Dr. Ammirata shall fully cooperate with said monitor in the event that errors or questionable entries in such records are found by the monitor. Said monitor shall forward quarterly reports to the Board concerning Dr. Ammirata's cooperation and record-keeping practices. All costs associated with this paragraph [1(d)] including, but

not necessarily limited to monitor's fees and reasonable travel expenses, shall be borne entirely by Dr. Ammirata.

(e) Notwithstanding any of the aforementioned quarterly report requirements, in the event that the monitor concludes that a significant violation of this Consent Order has occurred, is occurring or is about to occur, said monitor shall immediately notify the Board or the Attorney General and shall cooperate in whatever proceedings are instituted by the Board or the Attorney General, if any.

(f) In the event that the Board is unable to locate a New Jersey licensed dentist to serve as monitor, it shall be Dr. Ammirata's responsibility to find a monitor acceptable to the Board within such period of time as the Board may hereafter establish.

(g) A copy of this Consent Order shall be furnished to the monitor approved by the Board in accordance with this paragraph.

2. Dentist shall, within 30 days of the entry of this Consent Order, forward to the Board a check in the amount of \$1,750 payable to Robert Povia. Said check shall be forwarded by the Board to Robert Povia upon receipt.

3. Dr. Ammirata shall, within 60 days of the entry of this Consent Order, forward to the Board a check in the amount of \$1,000 payable to Patricia Reinech. Said check shall be forwarded by the Board to Patricia Reinech upon receipt.

4. Dentist shall, within 90 days of the entry of

this Consent Order, forward to the Board a check in the amount of \$2,500 payable to Selected Risks Insurance Company for the benefit of Rita Mary Everett (Claim No. 00239208-1). Said check shall be forwarded by the Board to Selected Risks Insurance Company.

5. Dr. Ammirata shall immediately cause to be withdrawn or dismissed with prejudice any and all civil collection actions against the following former patients:

- (a) James and/or Linda Vasta
- (b) Paul J. Melillo, Jr.
- (c) Carolyn Mazellan

In the event that a judgment has been obtained against any of the above-named patients, Dr. Ammirata shall cause a Warrant of Satisfaction of Judgment to be filed as to each, absolving said patient of any alleged debt owed to Dr. Ammirata. Dr. Ammirata shall, within fifteen days of receipt of documentation of compliance with this paragraph, forward such documentation to the Board.

6. Dentist shall waive all uncollected fees, whether sought from patients' insurance carriers or directly, through civil action or any other means of collection, from the following patients:

- (a) Salvatore Piazza
- (b) Michael Lovero
- (c) Diane Moore

In the event that Dr. Ammirata has caused a civil col-

lection action to be filed against any of the aforementioned patients, he shall immediately follow the procedure outlined in paragraph 5, above, for absolving said patient of any alleged debt owed to him. Dentist shall, within fifteen days of such action taken, submit evidence to the Board of his compliance with this paragraph.

7. Dr. Ammirata shall pay a civil penalty to the Board in the amount of \$1,000 within 120 days of the entry of this Consent Order or in such installments as the Board shall hereinafter approve.

8. Dentist shall pay costs to the Board in the amount of \$4,608.93 within 150 days of the entry of this Consent Order or in such installments as the Board shall hereinafter approve.

9. Should Dr. Ammirata default in the timely payment of any of the funds required by this Consent Order, then the Board may declare the entire sum due and owing forthwith and such default may, in the Board's discretion, be deemed a violation of this Consent Order.

10. In the event that the Board or the Attorney General receives notice that Dentist may not be complying with the terms of this Consent Order, then the Board may, upon short notice to Dr. Ammirata giving him an opportunity to be heard, enter an order ^{TEMPORARILY} suspending his license to practice dentistry until such time as a ^{PLENARY} hearing may be held as soon thereafter as possible before the Board or, if the Board so chooses, the Office of Administrative Law, to determine whether he has

violated any of the provisions of this Consent Order. In the event that Dr. Ammirata is found to have violated any of the provisions of this Consent Order, then his license to practice dentistry in the State of New Jersey shall be revoked.

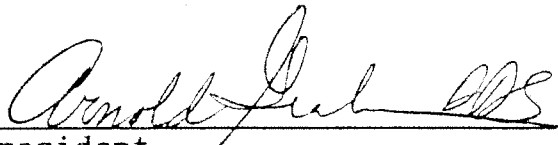
11. In the event that Dr. Ammirata leaves the practice of dentistry in the State of New Jersey, then terms of this Consent Order, other than the payment of monies as provided in paragraphs 2 through 8, shall be held in abeyance. Thereafter, should dentist return to practice in the State of New Jersey, then the terms of this Consent Order, for whatever balance of time was remaining, shall automatically be reimposed. Upon such return to practice in the State of New Jersey, Dr. Ammirata, may, however, apply to the Board for modification of this Consent Order upon such showing, as the Board deems sufficient, that he has completed such further education as to warrant any requested modification.

12. Under no circumstances shall Dr. Ammirata's departure from the practice of dentistry in the State of New Jersey absolve him of the requirements of paragraphs 2 through 8 above.

13. Entry of this Consent Order resolves only those matters referenced herein by docket number or patient name.

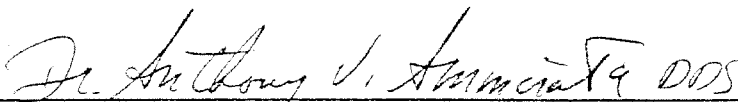
14. This Consent Order supersedes the Board's Partial Decision and Final Order concerning Count II dated March 19, 1987.

15. Dr. Ammirata agrees to dismiss the appeal filed with the Superior of New Jersey, Appellate Division, Docket No. A-3636-86 T7.



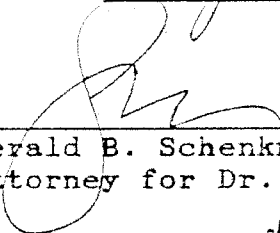
President
State Board of Dentistry

I hereby agree to the terms and conditions of this Consent Order.



Anthony V. Ammirata, D.D.S.

Date: April 13, 1988



Gerald B. Schenkman, Esq.
Attorney for Dr. Ammirata

Date: April 13, 1988